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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/503,532 | 02/14/2000 | William Y. Hall | blbv-24.759 | 6743 |
| 25883 | 7590 | 12/29/2003 | EXAMINER | |
| HOWISON & ARNOTT, L.L.P P.O. BOX 741715 DALLAS, TX 75374-1715 | | | KEMPER, MELANIE A | |
| ART UNIT | | PAPER NUMBER | | |
| 3622 | | | | |

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/503,532 | HALL, WILLIAM Y. | |
| | Examiner | Art Unit | |
| | M Kemper | 3622 | |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,8-19 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-4, 8-19, 23-30 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) Interview Summary (PTO-413) Paper No(s). ____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____ .

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 8-19, 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leatherman in view of Goodwin III, patent number 6026373. Leatherman teaches a method and corresponding system of advertising during a commercial transaction comprising providing one or more commercial transaction locations; transmitting from a central location customer profile information and using the information to generate programming information for presentation (see at least figs. 1,3, 5,9,26A, 26B, col. 36, line 45 col. 38, line 15, col. 10, lines 55-65, col. 21, lines 40-50, col. 24, lines 50-65, col. 35, lines 40-60); inputting identification information unique to the customer (col. 36, lines 45-50); merging update and advertising information previously transmitted in accordance with profile information such that the information comprise filtered information according to the profile (col. 36, lines 50-65, col. 37, lines 5-35). Leatherman also teaches wireless communication (see at least col. 8, lines 1-10, col. 22, lines 35-55, col. 24, lines 50-65); audio/video presentation (see at least fig 5, (86) col. 9, lines 10-20, col. 37, lines 25-40); transmitting a unique ID (see at least col. 36, lines 45-50); customer profile information is merged with update and advertising information (see at least col. 37, lines 5-15); programming information transmitted to the commercial transaction locations (see at least col. 37, lines 15-40); programming information structured to priorities (see at least col. 38, lines 10-15); modifying

programming information (see at least col. 37, lines 45-67); customer profile information is updated according to type of purchase (see at least col. 38, lines 5-10, col. 14, lines 50- col. 15, line 45); where it is inherent that the commercial transaction system is uniquely addressable since this is necessary at least for the bi-directional communication with the transaction system and since specific information is transmitted to/from a specific transaction system (col. 8, lines 20 – col. 9, line 30).

Goodwin III teaches converting the information into a word which is transmitted to an electronic price label from a central computer, and decoding the word to generate programming information (col. 2, lines 30-65, col. 3, lines 15-25). It would have been obvious to one having ordinary skill in the art at the time of the invention to have converted the profile information of Leatherman into a profile word as in Goodwin since transmitting the information in a word format would have provided conservation of bandwidth, more reliable and faster transmission as suggested in Goodwin (col. 1, lines 55-65). It also would have been obvious to have merged the word with advertising information since this would have provided the custom display as taught in Leatherman.

3. Applicant's arguments filed 9/29/03 have been fully considered but they are not persuasive. The applicants argue that Goodwin only teaches a translation mechanism wherein all of the information to be displayed is encoded in a word and transmitted in a digital format. However, Goodwin teaches a word which is utilized as a command word to control what information is displayed to the user as in the present application. Goodwin converts messages containing promotional information to be displayed or other messages into a word that can be sent in a single wireless message (col. 3, lines

15-25). Considering the combination of Leatherman and Goodwin the word transmitted by Leatherman would be a profile word since profile information is sent as described in Leatherman.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Montero, 6133912 teaches compressing profile information for transmission and decompression of information (col. 4, lines 35-65).

Hohle et al., 6101477 teaches coding user preferences (col. 20, line 45 – col. 21, line 45).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


M Kemper
Primary Examiner
Art Unit 3622